

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CIVIL NO. 06-00580 JMS/KSC
)	CRIMINAL NO. 04-00061-02 JMS
Plaintiff,)	
)	ORDER DENYING APPLICATION
vs.)	TO PROCEED IN FORMA
)	PAUPERIS AS MOOT
FELIPE RAGUINDEN)	
DOMANGUERA,)	
)	
Defendant,)	
Petitioner/Movant.)	
_____)	

ORDER DENYING APPLICATION TO PROCEED
IN FORMA PAUPERIS AS MOOT

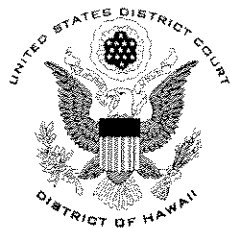
On October 27, 2006, Felipe Raguinden Domanguera filed a motion for post-conviction relief pursuant to 28 U.S.C. § 2255. On October 30, 2006, Domanguera filed an Application to Proceed in Forma Pauperis.

Generally, to initiate an action in federal court a plaintiff must pay a filing fee or be granted permission to proceed in forma pauperis. A § 2255 motion, however, deviates from this general rule and does not require a filing fee. As explained by the advisory committee notes to Rule 3 of the Rules Governing § 2255 Proceedings for the United States District Courts, “[t]here is no filing fee required of a movant under these rules.” Because no filing fee is required, a

plaintiff need not seek in forma pauperis status. Accordingly, the application to proceed in forma pauperis is denied as moot.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, October 31, 2006.




J. Michael Seabright
United States District Judge